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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/506,225	02/17/2000	Rabindranath Dutta	AUS000101US1	7208
35525	7590	09/22/2005	EXAMINER	
IBM CORP (YA) C/O YEE & ASSOCIATES PC P.O. BOX 802333 DALLAS, TX 75380			TRUONG, THANHNGA B	
			ART UNIT	PAPER NUMBER
			2135	

DATE MAILED: 09/22/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/506,225	DUTTA, RABINDRANATH
	Examiner Thanhnga B. Truong	Art Unit 2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 7/14/2005 (Amendment).

2a) This action is FINAL.                            2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-39 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-39 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on 17 February 2000 is/are: a) accepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All    b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1)  Notice of References Cited (PTO-892)
- 2)  Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3)  Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4)  Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5)  Notice of Informal Patent Application (PTO-152)
- 6)  Other: \_\_\_\_\_.




## DETAILED ACTION

1. Applicant's amendment filed on July 14, 2005 has been entered. Claims 1-39 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ogdon et al (US 6,161, 137).

a. Referring to claim 1:

i. Ogdon teaches:

(1) requesting the content from a source using a set of identifiers; receiving the content from the source to form received content, wherein at least one returned identifier is returned from the source in which at least one returned identifier represents a location of the content [i.e., for a given presentation, the present invention directs each client node to request presentation content from a given set of communications network servers rather than having such servers push presentation content to the client node (column 6, lines 40-44). Further, each host 200 receives from the lobby system 144 audience member identifications for each presentation performance controlled by the host immediately prior to the performance of the presentation. Note that each such audience member identification typically includes: (a) a unique six digit client identifier which is encoded into the client presentation software 88 for each presentation performance client, and (b) a three digit group identifier for assigning one or more webservers 96 to provide presentation content (column 11, lines 64-67 through column 12, lines 1-5). In addition, resources may be allocated for a presentation according to the number and geographical locations

**of clients desiring to participate in a particular presentation (column 12, lines 27-29);**

(3) sending identifiers to a validation service, wherein the identifiers includes the set of identifiers used to request the received content and each returned identifier representing the location of the content at the source; and responsive to receiving a response from the validation service indicating the monitoring of user requests to access to the received content is occurring, selectively preventing receipt of additional content from the source [i.e., for each presentation performance, the presentation controlling host 200 also receives, from a presentation performance specific resource file or data base 212: (a) content webserver 96 network addresses (e.g., for the Internet, these addresses being URLs) identifying the network 70 sites having presentation content data; (b) audience member lists of clients that have registered for the presentation performance and can therefore become audience members, if they choose to; (c) groupings of registered clients; and (d) script names and locations from which to retrieve the presentation script from the content manager 104. Accordingly, note that the records of the corresponding resource file 212 associate presentation identifiers with content webserver 96 URLs and path names on these webservers where presentation content data resides. Thus, since the presentation scripts received by the hosts 200 from the content manager 104 are generic in that the scripts have variables or placeholders for content webserver 96 identities, each host 200 uses information from the corresponding resource file 212 (retrieved according to presentation identification) for resolving the undefined content webserver variables of the generic scripts, and thereby instantiating presentation scripts and presentation data with specific content webserver 96 references. Note that the resource file 212 may be created from information in a scheduling data base (not shown) populated with, e.g., content webserver 96 groupings (each grouping for supplying presentation content to a particular group of audience members) and audience member group identifications. The grouping of the webservers and the audience member groupings are both indicated by the three digit group identifier

**also encoded into each copy of the client presentation software 88 distributed by the software download and client support system 130 as previously discussed (column 12, lines 30-62)].**

ii. Although Ogdon does not explicitly mention selectively preventing receipt of additional and/or duplicate content from the source, Ogdon does imply that:

(1) the content manager 104 distributes presentation content (e.g., presentation segments) to the content webservers 96 and verifies that the content is capable of being presented to audience members immediately before a presentation time. Note that the verification process makes sure that all the links in the presentation or show can be resolved appropriately. Finally, at the end of a presentation performance, the content manager 104 may remove the presentation content from one or more of the content webservers 96 (**column 9, lines 44-53**).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) clearly discuss or point out the role of the content manager system 104 as in Ogdon for distributing presentation data and/or content and to make sure there is no duplication or extra presentation data (**column 9, lines 27-53**).

iv. The ordinary skilled person would have been motivated to:

(1) clearly discuss or point out the role of the content manager system 104 as in Ogdon for distributing presentation data and/or content in order to maintain the cost of the material and to prevent unauthorized members from using/accessing the content.

b. Referring to claims 2-3:

i. Ogdon further teaches:

(1) wherein the source is a Web server [i.e., content Webservers 96: One or more content network server sites 96 (also denoted content webservers 96a, and alternate content webservers 96b) for providing presentation data to client sites 54 requesting such data via client nodes 56 (**column 8, lines 27-31**)]; wherein the content is the Web page [i.e. furthermore, the

data may be available to anyone who knows a content webserver's network 70 address. This security level is similar to publishing data by creating World Wide Web pages on web sites and, in fact, presentations performed using the present invention can use actual World Wide Web websites as a source for presentation data (column 15, lines 32-37)].

c. Referring to claims 4, 25:

i. Ogdon further teaches:

(1) wherein the validation service is located on a server [i.e., content Manager 104: A content manager system 104 for managing presentation scripts and data. The content manager 104 logs and confirms the locations and addresses of content webservers 96 where the content for each presentation will reside (column 9, lines 27-31)].

d. Referring to claims 5-6, 26-27:

i. These claims have limitations that is similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above.

e. Referring to claim 7:

i. Ogdon further teaches:

(1) wherein the identifier is a universal resource locator [i.e., for each presentation performance, the presentation controlling host 200 also receives, from a presentation performance specific resource file or data base 212: (a) content webserver 96 network addresses (e.g., for the Internet, these addresses being URLs) identifying the network 70 sites having presentation content data (column 12, lines 30-35)].

f. Referring to claims 8, 13-14, 22, 29, 34-35, 37, 38:

i. These claims have limitations that is similar to those of claim 1, thus they are rejected with the same rationale applied against claim 1 above.

g. Referring to claims 9, 30:

i. Ogdon further teaches:

(1) sending the second response to the requestor [i.e., one or more content network server sites 96 (also denoted content webservers

96a, and alternate content webservers 96b) for providing presentation data to client sites 54 requesting such data via client nodes 56. Note that for the client sites 54 illustrated, the content webservers 96a represent the presentation information suppliers of first choice (column 8, lines 27-33)].

h. Referring to claims 10-11, 23-24, 31-32, 39:

i. These claims have limitations that is similar to those of claims 2-3, thus they are rejected with the same rationale applied against claims 2-3 above.

i. Referring to claims 12, 28, 33:

i. These claims have limitations that is similar to those of claim 7, thus they are rejected with the same rationale applied against claim 7 above.

j. Referring to claims 15, 36:

i. Ogdon further teaches:

(1) wherein an identification of the source is a domain name for the source [i.e., SN--Denotes a webserver 96 Name, also may be a physical network 70 address or an Internet domain name (column 27, lines 35-37)].

k. Referring to claim 16:

i. Ogdon teaches:

(1) a communications interface, wherein the communications interface receives content from a network [i.e., referring to Figures 1A-1B, Phone Bridge 100: One or more phone bridges 100 for supporting voice communication during a presentation is provided. The phone bridges 100 route the audio portion of a presentation to certain client sites 54, thereby providing communications between the leader(s) and the audience members, and also providing communication between the audience members themselves (column 8, lines 41-47)];

(2) a graphical user interface used to display the content [i.e., It is also an aspect of the present invention that whenever an on-screen question is answered by audience members, the results are automatically

collected and can be graphed. The leader can choose to display the graphical results to all of the audience members (column 5, lines 1-5)];

(3) a language interpretation unit, wherein the language interpretation unit processes content received by the communications interface for display on the graphical user interface [i.e., the present invention's distributed network processing architecture makes it possible to present concurrently a presentation with content provided in natural languages specific to the audience members. For example, for the same presentation performance, different audience members may have the audio portion of the presentation presented in different languages, e.g., English and Japanese. Moreover, the video content (e.g., on HTML pages) can be specified so that written text provided in the presentation can be displayed in different natural languages, depending on audience member preference (column 6, lines 54-64)]; and

(4) a detection unit, wherein the detection unit requests the content from a source using a set of identifiers; receives the content from the source to form received content, wherein at least one returned identifier is returned from the source in which the at least one returned identifier represents a location of the contents at the source; sends identifiers to a validation service, wherein the identifiers includes the set of identifiers used to request the received content and each returned identifier representing the location of the received content; and selectively prevents receipt of additional content from the source in response to receiving a response from the validation service indicating the monitoring of user requests to access to received content is occurring [i.e., referring to Figure 1A, content Manager 104: A content manager system 104 for managing presentation scripts and data. The content manager 104 logs and confirms the locations and addresses of content webservers 96 where the content for each presentation will reside. The content manager 104 distributes presentation data, such as scripting information for a presentation, thereby providing: (a) initial groupings of audience members according to, e.g., natural language preferred, organizational affiliation, geographical location, and/or intervening network connections and devices (e.g.,

**firewalls and other security features, local area network connections), and/or (b) sequencing of presentation segments to the operations center 58 (and more particularly, the host(s) 200 described hereinbelow) (column 9, lines 27-43)].**

ii. Although Ogdon does not explicitly mention selectively preventing receipt of additional and/or duplicate content from the source, Ogdon does imply that:

(1) the content manager 104 distributes presentation content (e.g., presentation segments) to the content web servers 96 and verifies that the content is capable of being presented to audience members immediately before a presentation time. Note that the verification process makes sure that all the links in the presentation or show can be resolved appropriately. Finally, at the end of a presentation performance, the content manager 104 may remove the presentation content from one or more of the content web servers 96 (**column 9, lines 44-53**).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) clearly discuss or point out the role of the content manager system 104 as in Ogdon for distributing presentation data and/or content and to make sure there is no duplication or extra presentation data (**column 9, lines 27-53**).

iv. The ordinary skilled person would have been motivated to:

(1) clearly discuss or point out the role of the content manager system 104 as in Ogdon for distributing presentation data and/or content in order to maintain the cost of the material and to prevent unauthorized members from using/accessing the content.

I. Referring to claims 17-18:

i. Ogdon further teaches:

(1) wherein the language interpretation unit interprets hypertext markup language statements or JavaScript [i.e., moreover, the video content (e.g., on HTML pages) can be specified so that written text provided in the presentation can be displayed in different natural languages, depending on audience member preference (**column 6, lines 54-64**)].

m. Referring to claim 19:

i. Ogdon teaches:

(1) a bus [i.e., each of the sites may require specialized video conferencing systems with high data transmission lines for connecting the telepresentation members (column 1, lines 27-29)];

(2) a communications interface connected to the bus, wherein the communications interface is configured for connection to a network [i.e., referring to Figures 1A-1B, Phone Bridge 100: One or more phone bridges 100 for supporting voice communication during a presentation is provided. The phone bridges 100 route the audio portion of a presentation to certain client sites 54, thereby providing communications between the leader(s) and the audience members, and also providing communication between the audience members themselves (column 8, lines 41-47)];

(3) a processing unit connected to the bus, wherein the processing unit executes instructions; and a memory connected to the bus wherein the memory includes instructions used to request the content from a source using a set of identifiers; receive the content from the source to form received content, wherein at least one returned identifier is returned from the source in which the at least one returned identifier represent a location of the received contents at the source; send identifiers to a validation service, wherein the identifiers includes the set of identifiers used to request the received content and each returned identifier representing the location of the received content; and selectively prevent receipt of additional content from the source in response to receiving a response from the validation service indicating monitoring of user requests to access to the received content is occurring [i.e., the computer on which a host 200 is resident has the following features: 64 megabytes of RAM, 166 MHz Pentium processor (for executing instructions), NT operating system, Ethernet network card, in a configurable CUBIX backplane available through CUBIX, Inc., 2800 Lockheed Way, Carson City, Nev. (column 11, lines 49-54)];

ii. Although Ogdon does not explicitly mention selectively preventing receipt of additional and/or duplicate content from the source, Ogdon does imply that:

(1) the content manager 104 distributes presentation content (e.g., presentation segments) to the content webservers 96 and verifies that the content is capable of being presented to audience members immediately before a presentation time. Note that the verification process makes sure that all the links in the presentation or show can be resolved appropriately. Finally, at the end of a presentation performance, the content manager 104 may remove the presentation content from one or more of the content webservers 96 (**column 9, lines 44-53**).

iii. It would have been obvious to a person having ordinary skill in the art at the time the invention was made to:

(1) clearly discuss or point out the role of the content manager system 104 as in Ogdon for distributing presentation data and/or content and to make sure there is no duplication or extra presentation data (**column 9, lines 27-53**).

iv. The ordinary skilled person would have been motivated to:

(1) clearly discuss or point out the role of the content manager system 104 as in Ogdon for distributing presentation data and/or content in order to maintain the cost of the material and to prevent unauthorized members from using/accessing the content.

n. Referring to claim 20:

i. Ogdon further teaches:

(1) wherein the communications interface is one of a network adapter and a modem [**i.e., it is a further aspect of the present invention to synchronously provide audio and video portions of the presentation through different communication channels (a communication channel being a physical signal transport path together with a particular signal protocol)**]. For example, in one embodiment of the present invention (denoted hereinafter the "Telephony/Internet embodiment"), the audio portion of the presentation is communicated audibly directly to a standard telephone using conventional voice

grade telephony transmissions, and the corresponding video portion of the presentation is transmitted via a different network such as the Internet (more generally referred to herein as a "communications network") using, e.g., a modem to interpret the transmission signals (column 3, lines 64-67 through column 4, lines 1-10)].

n. Referring to claim 21:

i. This claim has limitations that is similar to those of claim 19, thus it is rejected with the same rationale applied against claim 19 above.

***Response to Arguments***

4. Applicant's arguments filed July 7, 2005 have been fully considered but they are not persuasive.

Applicant argues that:

"Claim 1 is non-obvious because claim 1 solves a problem unrecognized by Ogdon. Claim 1 **solves the problem of detecting** when a content-provider is monitoring user requests to access content."

In response to applicant's arguments, the recitation "**solves the problem of detecting**" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

Applicant further argues that:

"Ogdon does not show or suggest the claimed features. Ogdon does not show or suggest receiving content and at least one returned identifier. Therefore, examiner has failed to state a *prima facie* obviousness rejection"

Examiner totally disagrees with applicant's remark and still maintains that:

Ogdon does teach the claimed subject matter. The present invention is a network presentation distribution system for providing a presentation, via one or more

communication networks, to a plurality of presentation members simultaneously. That is, the present invention distributes a presentation synchronously to presentation members via the one or more communication networks, wherein a communication network is defined as both the physical components and the communication protocol(s) utilized on the network components and wherein the term, "presentation members" (also denoted "users"), includes both audience members (also denoted "clients") and presentation leaders. Moreover, the present invention provides interactive and/or real-time presentations to presentation members that are geographically scattered when each such member has access to one or more commonly available communication networks such as the Internet and a conventional telephony network for telephone-to-telephone voice communication. For example, the present invention may communicate the video portion of a presentation to a user site via the Internet (more generally, via any TCP/IP network) while a corresponding audio portion may be communicated to the user site via a conventional telephony network and a conventional telephone at the user site. However, other embodiments are also within the scope of the present invention. For example, both the video and audio portions of the presentation may be provided solely by a TCP/IP network such as the Internet, assuming that there is sufficient communication bandwidth to synchronize presentation transmissions to the presentation members (column 1, lines 54-67 through column 2, lines 1-15 of Ogdon).

In response to applicant's argument that there is no motivation to modify the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the teaching of Ogdon is sufficient.

Applicant further argues that:

"The examiner has failed to state a *prima facie* obviousness rejection because Ogdon is non-analogous art and therefore the examiner may not use Ogdon as a reference."

Examiner again totally disagrees with the applicant and still maintains that:

Ogdon's invention is in the field of data processing relates to a telecommunications network such as Internet, and more particularly to a network transmission, wherein such a system would allow individuals to access (*emphasis added*) and/or participate in a presentation using standard telephony and Internet network connections found in most offices and many homes (column 1, lines 47-50 of Ogdon). User/client cannot access, request, send, and/or receive a content without going through a standard communications network.

In response to applicant's argument that Ogdon is non-analogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Ogdon's field of teaching is sufficient.

In addition, Ogdon does not need to disclose anything over and above the invention as claimed in order to render it unpatentable or anticipate. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claimed limitations.

For the above reasons, it is believed that the rejections should be sustained.

### ***Conclusion***

5. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the

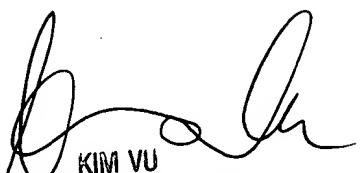
event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanhnga (Tanya) Truong whose telephone number is 571-272-3858.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached at 571-272-3859. The fax and phone numbers for the organization where this application or proceeding is assigned is 571-273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 571-272-2100.

TBT

September 16, 2005



KIM VU  
ADVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100